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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JOHN LITTLE,

9 Plaintiff,

10 v.

11 D. RABELOS, et al.,

12 Defendants.

Case No. 08-cv-0595-MJP

ORDER OF DISMISSAL

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14 The Court, having reviewed the Report and Recommendation of United States
15 Magistrate Judge James P. Donohue, the governing law and balance of the record, does hereby
16 find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation.
18 (2) Plaintiff's § 1983 complaint (Dkt. No. 6) and this action are DISMISSED
19 without prejudice. Accordingly, Defendants' counterclaim (Dkt. No. 12 at 4) is
20 also DISMISSED without prejudice. *See* Dkt. No. 42.
21 (3) The Clerk is directed to send copies of this Order to the parties and to Judge
22 Donohue.

23 DATED this 5th day of May, 2009.

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26 Marsha J. Pechman
United States District Judge